

**Senate Bill 239 on Third Reading**

Senator Cole moved that Senate Rule 30 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Grover	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson

**Absent—Excused**

Creighton	Word
Hall	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Grover	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson

**Absent—Excused**

Creighton	Word
Hall	

**Welcome and Congratulatory Resolutions**

S. R. No. 215—By Senator Brooks: Extending congratulations to Mr. and

Mrs. M. M. (Mac) McNulty, Sr. on the occasion of their Fiftieth Wedding Anniversary.

S. R. No. 216—By Senator Watson: Extending welcome and privileges of the floor for the day to Hop Marshall.

S. R. No. 217—By Senator Snelson: Extending welcome to Mrs. Betty Dudley of Odessa.

**Adjournment**

On motion of Senator Aikin the Senate at 12:04 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**TWENTY-SIXTH DAY**

(Thursday, February 27, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

**Absent—Excused**

Bridges	Jordan
Cole	Ratliff
Connally	Schwartz
Creighton	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Ratliff was granted leave of absence for today on account of illness on motion of Senator Bates.

Senator Jordan was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Cole was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Connally was granted leave of absence for today on account of important business on motion of Senator Hightower.

Senator Bridges was granted leave of absence for today on account of important business on motion of Senator Harris.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 274, A bill to be entitled "An Act relating to changing the name of Stephen F. Austin State College to Stephen F. Austin State University; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act relating to establishing, maintaining, supporting, and managing The University of Texas (Clinical) Nursing School at San Antonio; providing for severability; and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act prohibiting certain disruptive activities in connection with the public schools and institutions of higher education; prescribing a penalty; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act to authorize and empower Brown County Water Improvement District No. 1 to provide for and administer a retirement, disability, and death compensation fund for officers

and employees of the district; providing for the investment, reinvestment, and change of investment of such funds; authorizing the directors of such district to adopt a plan or plans for effectuating the purpose of this Act, to provide rules and regulations governing all such compensation and from time to time to change any such plan, rule, or regulation; and providing that the recipients of benefits of such fund shall not be eligible for any other pension retirement fund or direct aid from the State of Texas, unless the fund created hereunder is released to the State as a condition precedent to receiving such other aid; providing for such district to include hospitalization, medical benefits, and group life insurance to their officers and employees as part of the compensation currently paid to such officers and employees; making this Act cumulative of other laws on the subject; providing that unconstitutionality of any part of the Act shall not invalidate the remainder; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Senate Resolution 218

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Major Guy Smith; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome to the Senate, and the privileges of the floor for today.

AIKIN  
HIGHTOWER

The resolution was read and was adopted.

By unanimous consent, Senator Aikin presented the distinguished guest to the Members of the Senate.

#### Senate Resolution 219

Senator Moore offered the following resolution:

Whereas, Thursday, February 27, is the birthday of the honorable Senator V. E. (Red) Berry, from the great city of San Antonio, home of the Alamo and cradle of Texas Liberty; and

Whereas, It is the sincere desire of the Members of the Senate of the 61st Legislature to express our respect, greetings and felicitations to Senator Berry, and to take this means of wishing him a very happy and "lucky" birthday, and it is our desire that he will celebrate many returns of the day; and

Whereas, Our colleague is a member of the "old school" and is admired as one whose word is his bond in all matters, be ye friend or foe; and

Whereas, That Senator Berry, at 70, is Dean of the Senate in years, if not in service; and, now, therefore, be it

Resolved that the Senate of the State of Texas, by this Resolution, Express appreciation and admiration for the life and service of our esteemed colleague, Senator V. E. (Red) Berry, and wish him a long life of health and happiness.

MOORE  
BATES

Signed—Lieutenant Governor Ben Barnes; Aikin, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson and Word.

The resolution was read.

On motion of Senator Bernal, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moore, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Resolution 220

Senator Christie offered the following resolution:

Whereas, The spiritual and moral leader of the Texas Senate has arrived at the biblical age of three score and ten and has set sail on a new course on life's seas for the 120 years of Moses; and,

Whereas, The esteemed Senator from Bexar has often made the comment that he is as good a man now as he was 40 years ago—well, in most instances; and

Whereas, The beloved gentleman has shown his affection towards his

fellowman by visiting sick relatives, especially his Aunt, and the press has always praised such visits; and

Whereas, Said Senator has been the standard bearer of many moral and civic causes, such as liquor-by-the-drink, creating the Sovereign State of South Texas, and has indicated his approval of the crusade for betting on the horses; and

Whereas, He has been unjustly accused of discrimination against a man's best friend, the dog, in his apparent favoritism towards horses; and

Whereas, This kindly, distinguished-looking friend of both worlds, always displays his discreet demeanor even to certain groups who testify in opposition to some of his non-controversial bills at committee hearings; and

Whereas, On occasion, when the discussion in committee becomes somewhat heated, Senator Berry has asked his preacher friends, on the basis of their vast experience in all elements of life, how much revenue could be raised by taxing certain establishments; and

Whereas, Many uninformed persons may wonder how a retired "Sinner" can live in such a stately abode—evidently they do not understand the game of pitch as played with Rich Republicans; and

Whereas, "Red" Berry has often expressed his concern about when the time arrives to meet his Maker, it might be hard to find a sympathetic preacher to deliver his eulogy, but since such statements have been made, there have been a number of enthusiastic offers from gentlemen of the cloth to have this great honor; and, therefore, be it

Resolved, That Senator Berry is hereby named, nominated and declared to hold the rank of Honorary Texas Ranger with the full power and authority to lead all future expeditions against SIN in San Antonio; and, be it further

Resolved that the Members of the Texas Senate, 61st Legislature, Wish a very warm and happy Birthday to V. E. "Red" Berry on his 70th year and extend greetings and felicitations on this important milestone in a great career and Good Luck for a long life of meritorious service.

CHRISTIE

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Blanchard, Bridges, Brooks, Cole, Connally,

Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Bernal, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Christie, and by unanimous consent, the resolution was considered immediately and was adopted.

Upon the adoption of the resolution by Senator Christie, the Members of the Senate gave Senator Berry a standing ovation.

The President Pro Tempore appointed Senators Christie, Moore, Bates and Bernal to escort Senator and Mrs. Berry to the President's Rostrum. The President Pro Tempore presented Senator Berry to the Senate.

Senator Berry addressed the Senate stating he lacked the words to express his appreciation for the honor and stating "when a person reaches 70 years, I guess he is entitled to a party." Senator Berry stated further that he sincerely appreciated the friends in the Senate and "from now on I promise to be good."

The President Pro Tempore then presented Mrs. Berry to the Members of the Senate. She expressed to the Members her delight in being present for the occasion.

#### Bill and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

H. B. No. 54, A bill to be entitled "An Act relating to the creation and administration of The Fleet Admiral Chester W. Nimitz Memorial Naval Museum and Commission; and declaring an emergency."

H. C. R. No. 39, Extending congratulations to Mrs. Welma Morphew Aikin on her service as President of Texas Garden Clubs, Inc. and her many other accomplishments.

H. C. R. No. 41, Inviting the Honorable Crawford C. Martin, Attorney General of Texas, to address a Joint Session of the Legislature at 11:00 o'clock a.m. Monday, March 3, 1969.

H. C. R. No. 42, Extending congratulations and welcome to delegation of Peruvian Exchange Students from Lima, Peru.

S. C. R. No. 22, Memorial resolution for Dr. Andrew Forest Muir.

#### Reports of Standing Committees

Senator Moore submitted the following reports:

Austin, Texas,  
February 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 267, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman

Austin, Texas,  
February 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 202, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman

Austin, Texas,  
February 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 10, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman

Senator Bates submitted the following report:

Austin, Texas,  
February 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Trans-

portation, to which was referred S. B. No. 153, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BATES, Chairman

Senator Hall submitted the following reports:

Austin, Texas,  
February 26, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
CONNALLY  
CHRISTIE  
WORD

Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 306, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 227, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 312,

have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman  
WORD

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committees indicated:

By Senator Wilson:

S. B. No. 308, A bill to be entitled "An Act relating to the annual salaries of assistants to the county school superintendents in certain counties; and declaring an emergency."

To the Committee on Education.

By Senator Harrington:

S. B. No. 309, A bill to be entitled "An Act relating to compensation of court reporters in Jefferson County; amending Section 1, Chapter 377, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326-j-6, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on County, District and Urban Affairs.

By Senator Blanchard:

S. B. No. 310, A bill to be entitled "An Act relating to certain death and disability benefits for firemen and their families in certain cities; amending Section 7A, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on County, District and Urban Affairs.

By Senator Wilson:

S. B. No. 311, A bill to be entitled "An Act relating to the compensation of members of the county school trustees in certain counties; adding a new Subsection (c) to Article 2687, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Education.

By Senator Kennard:

S. B. No. 312, A bill to be entitled "An Act relating to creation of the Court of Domestic Relations No. 4 of Tarrant County; providing for mem-

bership of the judge on the juvenile board; and declaring an emergency."

To the Committee on County, District and Urban Affairs.

By Senators Hightower, Aikin and Brooks:

S. B. No. 313, A bill to be entitled "An Act to amend subsection (2) of Section 1 of Article III, Senate Bill No. 116, Chapter 334, Acts of 51st Legislature, Regular Session, 1949 (Article 2922-13, Section 1(2), V.T.C.S.); to amend subsection (2) of Section 1 of Article IV, Senate Bill 116, Chapter 334, Acts 51st Legislature, Regular Session, 1949, as amended in Senate Bill 16, Chapter 721, Acts of 60th Legislature, Regular Session, 1967 (Article 2922-14, Section 1(2), V.T.C.S.), thereby to broaden the Foundation School Program to provide for improved vocational education and supportive vocational unit personnel; to add a new subsection (2-A) following subsection (2) in Section 1 of Article IV, Senate Bill 116, supra, as amended, providing for the inclusion of vocational teacher units in the formula for determination of grants for current operating costs; providing for an effective date of this amendatory Act; and declaring an emergency."

To the Committee on Education.

By Senator Brooks:

S. B. No. 314, A bill to be entitled "An Act creating an adult education program; and declaring an emergency."

To the Committee on Education.

By Senator Brooks:

S. B. No. 315, A bill to be entitled "An Act Amending Article 11 of Acts 1943, 48th Legislature, Page 128, Chapter 97, Subchapter I to provide for the organization and procedure of the Finance Commission of the State of Texas and each Section thereof; and amending Article 14 of Acts 1943, 48th Legislature, Page 128, Subchapter I to set forth the Rules and Regulation authority, Loan and Investment Authority and Advisory Powers of the Savings and Loan Section of the Finance Commission; and amending Subsections (b), (c), (g) and (i) of Article 5, Subchapter II, Chapter 97, Page 134, Acts of the 48th Legislature, 1943 (Article 342-205, Vernon's Annotated Civil Statutes), as amended, to provide for the Savings and Loan Com-

missioner to appoint one or more Deputy Savings and Loan Commissioners and to provide for the appointment of Hearing or Investigation Officers by the Savings and Loan Commissioner, and to provide that the Savings and Loan Commissioner may call special meetings of the Savings and Loan Section of the Finance Commission, and to provide for the changing of the name of the Building and Loan Section of the Finance Commission of Texas to the Savings and Loan Section of the Finance Commission of Texas; providing for a severability clause and declaring an emergency."

To the Committee on Banking.

By Senators Berry and Bates:

S. J. R. No. 22, Amending the Constitution of the State of Texas by adding a new article to create out of the territory in Texas a new sovereign state of this Republic to be known as the State of South Texas.

To the Committee on Constitutional Amendments.

#### Presentation of Guest

Senator Strong by unanimous consent presented former Senator Richter to the Members of the Senate and requested privileges of the floor for him today.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 144, To Committee on County, District and Urban Affairs.

H. B. No. 102, To Committee on State Affairs.

H. B. No. 274, To Committee on Education.

H. B. No. 141, To Committee on State Affairs.

H. B. No. 75, To Committee on State Affairs.

#### Senate Resolution 225

Senator Herring offered the following resolution:

Whereas, On February 28, 1969, a very dedicated and conscientious public official will be retiring from office, when on that date Joe Steiner, Deputy

Clerk of the United States District Court for the Western District of Texas, Austin Division, will complete almost 40 years of service; and

Whereas, Joe Steiner graduated from the School of Law at the University of Texas in 1927 and worked a short while in the City Attorney's Office in Austin, Texas. On December 11, 1929, he commenced service as Deputy Clerk of the United States District Court under D. H. Hart, and has continued to serve since that time under Clerks Maxey Hart and Dan Benedict. During his career, he has served as Deputy Clerk for United States District Judges Duvall West, Robert J. McMillan, Walter A. Keeling, Ben H. Rice, Jr., Homer Thornberry, Adrian Spears and Jack Roberts; and

Whereas, During this long tenure of public service, hundreds of lawyers, both young and old practicing in his court have shared the warm friendship and sage counsel of Joe Steiner and all of them are indebted to him for his quiet, efficient performance of his duties, but moreover, for his tactful suggestions and timely reminders as to the intricacies of Federal Court procedure. He also has patiently helped thousands of citizens cope with the governmental red tape necessary in passport, citizenship and other similar matters handled by the United States District Clerk's office; and

Whereas, It is appropriate that the Senate of the 61st Legislature recognize Joe Steiner as an outstanding and most worthwhile citizen; now therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, express its appreciation to Joe Steiner for the many years he has dedicated to the service of his fellow citizens; and be it further

Resolved, That the Senate extend to him its good wishes on the advent of his retirement, and that a copy of this Resolution be prepared under the Seal of the Senate and presented to him as a token of our high esteem at the services marking his retirement, Friday, February 28, 1969, at 2:00 p.m.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 24

Senator Bates offered the following resolution:

S. C. R. No. No. 24, Directing the Enrolling Clerk of the Senate to make certain corrections in S. B. No. 90.

Whereas, Senate Bill No. 90 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, Certain minor corrections need to be made in the bill; now, therefore, be it.

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of Senate Bill No. 90 by changing the words Regular Session in Section 1 to read First Called Session.

BATES  
CONNALLY

The resolution was read.

On motion of Senator Bates, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Resolution 226

Senator Herring offered the following resolution:

Whereas, The citizens of the State of Texas are inspired by the recent achievements of Astronauts Colonel Frank Borman, Captain James Lovell and Major William Anders in the Apollo 8 Mission around the moon; and

Whereas, Commander Borman's reading of the Creation Story on Christmas Eve within the gravity pull of the moon renews memories of the faith of those who founded our nation; and

Whereas, Some people would attempt to ignore the existence of Almighty God, and thus make an effort to deny man such expressions of gratitude pursuant to other missions; and

Whereas, From the center of our nation, the heartbeat of mankind overwhelmingly accords, as does our Constitution, appropriate and rightful recognition of our Supreme Being; now, therefore, be it.

Resolved by the Senate of the State of Texas, 61st Legislature, That President Richard M. Nixon, The National Aeronautics and Space Administration, and future astronauts should feel free, and be encouraged, to continue expressions throughout

the universe of our hope for "Peace on Earth, Good Will Toward Men"; and, be it further

Resolved, That copies of this Resolution, under the Seal of the Senate, be prepared and mailed to the President of the United States; the National Aeronautics and Space Administration; and the three Astronauts, Borman, Lovell and Anders, in care of The National Aeronautics and Space Administration, Houston, Texas.

The resolution was read and was adopted.

#### Senate Bill 312 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent S. B. No. 312 was ordered not printed.

#### Senate Concurrent Resolution 25

Senator Grover offered the following resolution:

S. C. R. No. 25—Inviting the Honorable John Tower to address a Joint Session of the Legislature.

Whereas, The Honorable John G. Tower, United States Senator from Texas, has served this State with distinction; and

Whereas, The Regular Session of the 61st Legislature would be honored to meet in Joint Session for the purpose of hearing an address from the Honorable John G. Tower; now, therefore, be it

Resolved that the Senate of Texas, with the House of Representatives concurring, Extend an invitation to the Members of the House of Representatives to meet in Joint Session in the House of Representatives to hear an address by the Honorable John G. Tower; and, be it further

Resolved, That the Honorable John G. Tower be and he is hereby invited, with the House of Representatives concurring, to address the Regular Session of the 61st Legislature in Joint Session at his earliest convenience, and that an official copy of this Resolution be forwarded to John G. Tower.

GROVER  
HIGHTOWER

The resolution was read.

On motion of Senator Grover, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Resolution 227

Senator Bernal offered the following resolution:

Whereas, A distinguished German educator, Paul Meyer, is in the Capitol today, having come to Austin with his wife to attend the graduation ceremonies at The University of Texas, where their son, Dr. Walter Meyer, received his degree; and

Whereas, Mr. Meyer, a native of Hollerath, Germany, near the Belgian border, is himself a graduate of l'Institut des freres Chretiens (Institute of Christian Brothers), Trois Points, Belgium; he also attended colleges in Cologne, Germany, Liege, Belgium, and Lille, France, and received a degree in Industrial Engineering from the Technical College in Aachen, Germany, in 1923; in 1926, he was awarded a degree from the Academy of Interpreters in Kassel, Germany; and

Whereas, This outstanding scholar is a linguist, proficient in six languages—Italian, Portuguese, Spanish, German, French, and English—and has taught each at government-sponsored schools; he is the founder, and has been a director, of language evening schools in the Hesse region of Germany; he has taught and been coordinator of languages at the Berlitz School and has served as chairman, Department of Modern Languages, Evening Program, College of Dusseldorf; and

Whereas, After World War II, Mr. Meyer was an interpreter and consultant to the French and British military governments; he is a member of the Association of Interpreters and Translators, and a consultant to various German corporations; he is the author of numerous articles and has won many awards in the field of linguistics; and

Whereas, Mr. Meyer has remarked that he is particularly attracted to Austin and the Hill Country area, which is similar to the country around his home town in Germany; by visiting Austin and Texas with his wife, he has said that he hopes to persuade Mrs. Meyer to make a permanent move to the heart of Texas; now, therefore, be it

Resolved, That the Senate of the 61st Legislature, by this Resolution, extend greetings to Mr. and Mrs. Paul Meyer, wish them a pleasant visit, and express the hope that they



will decide to make our State capital their home; and, be it further

Resolved, That a copy of this Resolution be prepared for Mr. and Mrs. Meyer as a memento of their Texas visit and in token of our good wishes to them.

The resolution was read and was adopted.

By unanimous consent, Senator Bernal introduced Mr. and Mrs. Paul Meyer, Dr. and Mrs. Walter Meyer, and former Senator Walter Richter, who accompanied them, to the Members of the Senate.

#### Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 309, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Austin, Texas,  
February 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 144, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

#### Message From the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,  
February 27, 1969.

To the Senate of the Sixty-first Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be District Attorney of the 70th

Judicial District: to fill the unexpired term of Jack Tidwell of Odessa, Ector County, who resigned effective February 28, 1969: John H. Green, Jr., of Odessa, Ector County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

#### House Bill 284 Ordered Not Printed

On motion of Senator Patman and by unanimous consent H. B. No. 284 was ordered not printed.

#### Senate Bill 306 Ordered Not Printed

On motion of Senator Snelson and by unanimous consent S. B. No. 306 was ordered not printed.

#### House Bill 144 Ordered Not Printed

On motion of Senator Word and by unanimous consent H. B. No. 144 was ordered not printed.

#### Observance of Texas Independence Day

The President Pro Tempore announced that pursuant to the provisions of S. R. No. 183, previously adopted by the Senate, the time had arrived for the observance of Texas Independence Day and requested Senator Hightower, who had been designated by the President Pro Tempore, to proceed to the Reading Desk of the Secretary of the Senate.

Senator Hightower then read the Declaration of Independence, as follows:

#### THE UNANIMOUS DECLARATION OF INDEPENDENCE

made by the Delegates of the  
People of Texas in General  
Convention at the Town of  
Washington on the 2nd day  
of March 1836

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and, so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of

their government has been forcibly changed, without their consent, from a restricted federative republic, composed of Sovereign States, to a Consolidated, Central, military despotism in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants: When, long after the spirit of the Constitution has departed, moderation is, at length, so far lost by those in power that even the semblance of freedom is removed, and the forms themselves, of the Constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, Anarchy prevails, and Civil Society is dissolved into its original elements; In such a crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right toward themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievance is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written Constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation, they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in

the government by General Antonio Lopez de Santa Anna, who, having overturned the Constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate State Government, and have, in accordance with the provisions of the national Constitution, presented to the general Congress a republican Constitution which was, without just cause contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a State Government.

It has failed and refused to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the Citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, although, it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the Interior for trial, in contempt of the civil authorities,

and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interest of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of free men, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defense of the national Constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world

for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free, sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

(Signed)

Richard Ellis, President  
of the Convention and  
Delegate from Red River

Charles B. Stewart  
Thomas Barnett  
James Collinsworth  
Edwin Waller  
John S. D. Byrom  
Francisco Ruiz  
Jose Antonio Navarro  
Jesse B. Badgett  
William D. Lacey  
William Menefee  
John Fisher  
Matthew Caldwell  
J. William Mottley  
Bailey Hardeman  
Robert Potter  
Charles S. Taylor  
Robert Hamilton  
Albert H. Latimer  
James Power  
Sam Houston  
David Thomas  
Edward Conrad  
Martin Parmer  
Edwin O. LeGrand  
Stephen W. Blount  
James Gaines  
Lorenzo de Zavala  
Thomas Jefferson Rusk  
John S. Roberts  
Collin McKinney  
Stephen H. Everitt  
George W. Smyth  
Elijah Stapp  
Claiborne West  
William B. Scates  
M. B. Menard  
A. B. Hardin  
J. W. Bunton  
Thomas J. Gazley  
R. M. Coleman  
Sterling C. Robertson  
George C. Childress  
William Clark, Jr.  
Sydney O. Pennington  
William Carroll Crawford  
John Turner  
Benjamin B. Goodrich

G. W. Barnett  
 James G. Swisher  
 Jesse Grimes  
 S. Rhoads Fisher  
 John W. Moore  
 John W. Bower  
 Samuel A. Maverick  
 Sam P. Carson  
 A. Briscoe  
 James B. Woods  
 Asa Brigham  
 Test: H. S. Kimble,  
 Secretary

**Declaration of  
 Independence Ordered  
 Printed in Journal**

On motion of Senator Snelson and by unanimous consent the Declaration of Independence was ordered printed in the Senate Journal.

**Memorial Resolution**

S. R. No. 223—By Senator Watson: Memorial resolution for J. Boswell Newton.

**Welcome Resolutions**

S. R. No. 221—By Senator Watson: Extending welcome to Dr. J. C. Littrell of Waco.

S. R. No. 222—By Senator Watson: Extending welcome to Joe Hatcher, et al.

S. R. No. 224—By Senator Herring: Extending welcome to Martin W. Oelrich.

S. R. No. 228—By Senators Hall and Word: Extending welcome to Jack M. Tuhey.

**Adjournment**

On motion of Senator Aikin the Senate at 11:50 o'clock a.m., adjourned until 10:30 o'clock a.m., Monday, March 3, 1969.

**APPENDIX**

Sent to Governor

February 27, 1969

S. C. R. No. 22

**TWENTY-SEVENTH DAY**

(Monday, March 3, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Connally

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 27, 1969 was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Connally was granted leave of absence for today on account of important business on motion of Senator Hall.

**Message From the House**

Hall of the House of Representatives  
 Austin, Texas,  
 March 3, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 44, In memory of J. C. Wilson.

S. C. R. No. 24, Authorizing the Enrolling Clerk of the Senate to make certain corrections in Senate Bill No. 90.

Respectfully submitted,  
 DOROTHY HALLMAN,  
 Chief Clerk, House of Representatives